

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:23-00202

MATTHEW L. FARMER

MEMORANDUM OPINION AND ORDER

Pending before the court is the motion of the defendant Matthew L. Farmer for a continuance of the trial and all pretrial deadlines in this matter. (ECF No. 25.) Counsel for defendant explains that in order to effectively and adequately represent her client, additional time is needed to confer with Mr. Farmer regarding the same and to conduct necessary investigation prior to determining what, if any, pretrial motions need to be filed on his behalf. The government does not object to a continuance.

Because failure to grant the requested continuance would likely result in a miscarriage of justice, the court finds that the ends of justice outweigh the interest of the defendant and the public in a speedy trial, see 18 U.S.C. § 3161(h)(7)(A), and **GRANTS** defendant's motion to continue. In deciding to grant defendant's motion, the court considered the factors outlined in 18 U.S.C. § 3161(h)(7)(B) and finds that denying the motion "would deny counsel for the defendant . . . the reasonable time necessary for effective preparation, taking into account the

exercise of due diligence.” Id. § 3161(h)(7)(B)(iv).

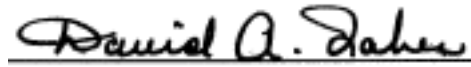
Accordingly, the court hereby **ORDERS** as follows:

1. The deadline for the filing of pretrial motions is continued to March 29, 2024;
2. The Pretrial Motions Hearing is continued to April 9, 2024, at 11:00 p.m. in Charleston;
3. Jury Instructions and Proposed Voir Dire are due by April 30, 2024;
4. Trial of this action is continued to May 7, 2024, at 9:30 a.m. in Charleston; and
5. Pursuant to 18 U.S.C. § 3161(h)(7)(A), the time from the filing of the motion until the trial is excludable for purposes of the Speedy Trial Act.

The Clerk is directed to send a copy of this Memorandum Opinion and Order to all counsel of record, to the United States Marshal for the Southern District of West Virginia, and to the Probation Office of this court.

IT IS SO ORDERED this 30th day of January, 2024.

ENTER:



David A. Faber
Senior United States District Judge